REMARKS

Applicant has carefully reviewed the Office Action mailed October 30, 2007 and offers the following remarks.

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,385,196 B1 to Hayball et al. (hereinafter "Hayball"). Applicant respectfully traverses the rejection. For the Patent Office to prove anticipation, each and every element of the claims must be present in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131. The Patent Office has failed to carry its burden of showing where each and every limitation of the present invention is found in Hayball.

Before addressing the rejection, Applicant provides a brief overview of the present invention. The present invention relates to adaptive interconnect logic, which is adapted to communicate with various types of modules that are plugged into the interconnect logic, and to automatically configure itself to interact with the various modules. For each module interface, the interconnect logic can take on different interface personalities for facilitating communications via the data path. Preferably, the interconnect logic will automatically configure itself to provide the appropriate layer or physical and media access control layers, to effectively communicate with computer premise equipment via the modules. The interface personality will define pin functionality, signal levels, acceptable protocols, and the like. In general, the interconnect logic provides a translator between a control and datapath system associated with the access equipment and the various modules, which need to be plugged into the access equipment.

Claim 1 recites an adaptive interconnect for providing an interface between multiple modules and a control system comprising, among other things, adaptive interconnect logic associated with a control system interface and a plurality of module interfaces, the adaptive interconnect logic adapted to:

      i)   negotiate with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module;

      ii)   select the interface personality based on negotiations with the module; and

      iii)   apply the interface personality to the one of the plurality of module interfaces.

2

Hayball fails to teach adaptive interconnect logic adapted to: "i) negotiate with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module; ii) select the interface personality based on negotiations with the module; and iii) apply the interface personality to the one of the plurality of module interfaces," as recited in claim 1. Hayball does disclose "storing system configuration information in the memory of the management agent; sending the system configuration information to the call server over the dedicated management interface; and establishing the fabric application interface between the call server and the plurality of fabric control modules based upon receipt of the system configuration information by the call server." (Hayball, col. 3, lines 60-67). However, the portions of Hayball cited by the Patent Office do not disclose the adaptive interconnect logic negotiating with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module. The portions of Hayball cited by the Patent Office do not disclose any **negotiation** between the adaptive interconnect logic and a module. In addition, the cited portions of Hayball do not disclose negotiating to identify an **interface personality for the module**. Instead, Hayball uses **system** configuration information stored in the management agent to establish the fabric application interface. The system configuration information stored in the management agent is sent to the call server, but no negotiation is disclosed.[1] Thus, there is no teaching in the cited portions of Hayball of an adaptive interconnect logic adapted to negotiate with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module, as recited in claim 1.

There is also no mention in Hayball of selecting the interface personality **based on the negotiations between the adaptive interconnect logic and the module**, as recited in step ii) of claim 1. Column 6, lines 37-45 of Hayball discloses that the call server processes incoming call requests and selects an appropriate outgoing trunk or line. Selecting an outgoing trunk or line is not equivalent to selecting an interface personality for the module, as recited in claim 1. Moreover, the selection of the trunk in Hayball is not based on the negotiations between the adaptive interconnect logic and the module, as recited in claim 1. Accordingly, Hayball does not

---

[1] Column 8, line 30-42 of Hayball does disclose that a connection broker negotiates with a trunk network adapter of a broadband network for the allocation of a suitable channel resource, but that is not equivalent to the claimed negotiation between the adaptive interconnect logic and a module to identify and select an interface personality for the module.

teach the adaptive interconnect logic adapted to: ii) select the interface personality based on negotiations with the module, as recited in claim 1.

For the above reasons, Hayball does not teach the adaptive interconnect logic adapted to: i) negotiate with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module; ii) select the interface personality based on negotiations with the module; and iii) apply the interface personality to the one of the plurality of module interfaces, as recited in claim 1. Accordingly, Hayball does not teach each and every element of claim 1, and thus does not anticipate claim 1.

Independent claim 7 is directed to a method and has similar limitations as the limitations of claim 1. Thus, claim 7 is patentable for at least the same reasons as set forth above with respect to claim 1.

Claims 2-5 and 8-11 depend from claims 1 and 7, respectively, and contain all of the limitations of the independent claim from which they depend. Thus, claims 2-5 and 8-11 are patentable based on their dependency from patentable claims 1 and 7.

In addition, certain dependent claims require special mention as they contain additional limitations not taught by Hayball. Claims 2 and 8 recite the additional limitation of "wherein different interface personalities can be implemented simultaneously among the plurality of module interfaces." The Patent Office alleges this limitation is taught in column 4, lines 35-50 and column 10, lines 57-67 of Hayball, which the Patent Office asserts discloses "instigating alteration of the fabric application interface in response to and based on the change" (Office Action mailed October 30, 2007, p. 3). Applicant respectfully disagrees. Hayball does disclose that if there is a system change that effects at least one fabric control module, the management agent will notify the call server of the change and have the call server alter the fabric application interface based on the change notified by the management agent (Hayball, col. 4, lines 1-10 and 43-50). However, altering the fabric application interface based on a change notified by the management agent is not equivalent to having different interface personalities implemented **simultaneously** among the plurality of modules, as recited in claims 2 and 8. Thus, the cited portions of Hayball do not teach this additional limitation of claims 2 and 8. Accordingly, claims 2 and 8 are also patentable for this additional reason.

Claims 6 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayball in view of U.S. Patent Application Publication No. 2002/0174193 A1 to Mikhalchuk
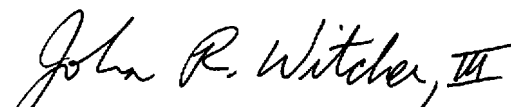
4

(hereinafter "Mikhalchuk"). Applicant respectfully traverses the rejection. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03.

Claims 6 and 12 depend from claims 1 and 7, respectively, and contain all of the limitations of the independent claim from which they depend. Thus, claims 2-6 and 8-12 are patentable based on their dependency from patentable claims 1 and 7. As discussed above, Hayball does not teach each and every limitation of claims 1 and 7. In particular, Hayball does not teach adaptive interconnect logic adapted to: i) negotiate with a module over a control path via one of the plurality of module interfaces to identify an interface personality for the module; ii) select the interface personality based on negotiations with the module; and iii) apply the interface personality to the one of the plurality of module interfaces, as recited in claims 1 and 7. Mikhalchuk does not cure the deficiencies of Hayball in this regard. Thus, the combination of Mikhalchuk and Hayball does not teach or suggest each and every limitation of claims 6 and 12. Accordingly, claims 6 and 12 are patentable.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: *John R. Witcher, III*

John R. Witcher, III
Registration No. 39,877
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: <u>January 30, 2008</u>
Attorney Docket: 7000-248